

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Civil Action No. 3:08-cv-02050 (SAF)</b>
	)	
MARK CUBAN,	)	
	)	
Defendant.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**MARK CUBAN’S RESPONSE TO PLAINTIFF SECURITIES AND EXCHANGE  
COMMISSION’S RULE 54(d)(2)(C) MOTION**

Mark Cuban responds to Plaintiff Securities and Exchange Commission’s (“SEC”) Rule 54(d)(2)(C) motion for leave to file an opposition to Mr. Cuban’s Motion for Attorneys’ Fees and Expenses (the “Fees Motion”). Although the SEC did not confer with Mr. Cuban’s counsel about its motion for leave to file an opposition or its motion for an extension of the standard briefing schedule under Local Rule 7.1, Mr. Cuban does not oppose an extension of the schedule as requested by the SEC, provided that Mr. Cuban receives a similar extension (13 days) to file his reply in support of the Fees Motion. Accordingly, Mr. Cuban respectfully suggests that the Court set the following briefing schedule: (1) the SEC’s opposition shall be due September 30; and (2) Mr. Cuban’s reply shall be due October 28.

Respectfully submitted,

**DEWEY & LeBOEUF LLP**

/s/ Lyle Roberts

By: \_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

On September 4, 2009, I electronically submitted Mark Cuban's Response to Plaintiff Securities and Exchange Commission's Rule 54(d)(2)(C) Motion with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Lyle Roberts

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Lyle Roberts